



General Assembly

February Session, 2012

Raised Bill No. 5291

LCO No. 1294

01294_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT INCREASING THE MINIMUM WAGE, REMOVING THE
MINIMUM WAGE TIP CREDIT, AND INCREASING PENALTIES FOR
FAILURE TO PAY THE MINIMUM WAGE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 31-58 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2012*):

4 (j) "Minimum fair wage" in any industry or occupation in this state
5 means a wage of not less than six dollars and seventy cents per hour,
6 and effective January 1, 2003, not less than six dollars and ninety cents
7 per hour, and effective January 1, 2004, not less than seven dollars and
8 ten cents per hour, and effective January 1, 2006, not less than seven
9 dollars and forty cents per hour, and effective January 1, 2007, not less
10 than seven dollars and sixty-five cents per hour, and effective January
11 1, 2009, not less than eight dollars per hour, and effective January 1,
12 2010, not less than eight dollars and twenty-five cents per hour, and
13 effective July 1, 2012, not less than nine dollars per hour, and effective
14 July 1, 2013, not less than nine dollars and seventy-five cents per hour
15 or one-half of one per cent rounded to the nearest whole cent more

16 than the highest federal minimum wage, whichever is greater, except
 17 as may otherwise be established in accordance with the provisions of
 18 this part. Effective April 15, 2014, and not later than each April
 19 fifteenth thereafter, the Labor Commissioner shall announce an
 20 adjustment in the minimum fair wage which shall be equal to the
 21 percentage increase from the previous year to the current year in the
 22 consumer price index for urban wage earners and clerical workers in
 23 the northeast urban area of New York-Northern New Jersey-Long
 24 Island, NY-NJ-CT-PA, with no seasonal adjustment, as calculated by
 25 the United States Department of Labor's Bureau of Labor Statistics,
 26 with the amount of the minimum fair wage increase rounded to the
 27 nearest five cents. The minimum fair wage plus the adjustment
 28 announced by the Labor Commissioner on April fifteenth shall become
 29 the new minimum fair wage and shall be effective on the July first
 30 immediately following. All wage orders in effect on October 1, 1971,
 31 wherein a lower minimum fair wage has been established, are
 32 amended to provide for the payment of the minimum fair wage herein
 33 established except as hereinafter provided. Whenever the highest
 34 federal minimum wage is increased, the minimum fair wage
 35 established under this part shall be increased to the amount of said
 36 federal minimum wage plus one-half of one per cent more than said
 37 federal rate, rounded to the nearest whole cent, effective on the same
 38 date as the increase in the highest federal minimum wage, and shall
 39 apply to all wage orders and administrative regulations then in force.
 40 The rates for learners, beginners, and persons under the age of
 41 eighteen years shall be not less than eighty-five per cent of the
 42 minimum fair wage for the first two hundred hours of such
 43 employment and equal to the minimum fair wage thereafter, except
 44 institutional training programs specifically exempted by the
 45 commissioner.

46 Sec. 2. Subsection (b) of section 31-60 of the general statutes is
 47 repealed and the following is substituted in lieu thereof (*Effective July*
 48 *1, 2012*):

49 (b) The Labor Commissioner shall adopt such regulations, in
 50 accordance with the provisions of chapter 54, as may be appropriate to
 51 carry out the purposes of this part. Such regulations may include, but
 52 are not limited to, regulations defining and governing an executive,
 53 administrative or professional employee and outside salesperson;
 54 learners and apprentices, their number, proportion and length of
 55 service; and piece rates in relation to time rates; and shall recognize, as
 56 part of the minimum fair wage, [gratuities in an amount (1) equal to
 57 twenty-nine and three-tenths per cent, and effective January 1, 2009,
 58 equal to thirty-one per cent of the minimum fair wage per hour for
 59 persons, other than bartenders, who are employed in the hotel and
 60 restaurant industry, including a hotel restaurant, who customarily and
 61 regularly receive gratuities, (2) equal to eight and two-tenths per cent,
 62 and effective January 1, 2009, equal to eleven per cent of the minimum
 63 fair wage per hour for persons employed as bartenders who
 64 customarily and regularly receive gratuities, and (3) not to exceed
 65 thirty-five cents per hour in any other industry, and shall also
 66 recognize] deductions and allowances for the value of board, in the
 67 amount of eighty-five cents for a full meal and forty-five cents for a
 68 light meal, lodging, apparel or other items or services supplied by the
 69 employer; and other special conditions or circumstances which may be
 70 usual in a particular employer-employee relationship. The
 71 commissioner may provide, in such regulations, modifications of the
 72 minimum fair wage herein established for learners and apprentices;
 73 persons under the age of eighteen years; and for such special cases or
 74 classes of cases as the commissioner finds appropriate to prevent
 75 curtailment of employment opportunities, avoid undue hardship and
 76 safeguard the minimum fair wage herein established. Regulations in
 77 effect on July 1, 1973, providing for a board deduction and allowance
 78 in an amount differing from that provided in this section shall be
 79 construed to be amended consistent with this section without the
 80 necessity of convening a wage board or amending such regulations.

81 Sec. 3. Subsection (a) of section 31-68 of the general statutes is
 82 repealed and the following is substituted in lieu thereof (*Effective July*

83 1, 2012):

84 (a) If any employee is paid by his or her employer less than the
 85 minimum fair wage or overtime wage to which he or she is entitled
 86 under sections 31-58, as amended by this act, 31-59 and 31-60, as
 87 amended by this act, or by virtue of a minimum fair wage order he or
 88 she [may] shall recover, in a civil action, [twice the full amount of such
 89 minimum wage less any amount actually paid to him by the employer,
 90 with] three times the amount of unpaid minimum fair wages,
 91 including interest thereon, and costs and such reasonable attorney's
 92 fees as may be allowed by the court, and any agreement between him
 93 and his employer to work for less than such minimum fair wage or
 94 overtime wage shall be no defense to such action. The commissioner
 95 may collect [the full] three times the amount of unpaid minimum fair
 96 wages or unpaid overtime wages to which an employee is entitled
 97 under said sections or order, as well as interest calculated in
 98 accordance with the provisions of section 31-265 from the date the
 99 wages should have been received, had they been paid in a timely
 100 manner. In addition, the commissioner may bring any legal action
 101 necessary to recover [twice] three times the full amount of the unpaid
 102 minimum fair wages or unpaid overtime wages to which the employee
 103 is entitled under said sections or under an order, plus interest thereon,
 104 and the employer shall be required to pay the costs and such
 105 reasonable attorney's fees as may be allowed by the court. The
 106 commissioner shall distribute any wages or interest collected pursuant
 107 to this section to the employee or in accordance with the provisions of
 108 subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	31-58(j)
Sec. 2	July 1, 2012	31-60(b)
Sec. 3	July 1, 2012	31-68(a)

Statement of Purpose:

To raise the minimum wage and base future raises on the consumer price index, remove the tip credit, and increase penalties for failure to pay the minimum wage.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]